

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 7, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:12 a.m. Mayor Murphy recessed the meeting at 10:13 a.m. to convene the Special City Council Meeting. Mayor Murphy reconvened the regular meeting at 10:14 a.m. with all members present. The meeting was recessed by Mayor Murphy at 11:12 a.m. to convene the Special Joint Council Meeting with The Redevelopment Agency and thereafter convene as the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:32 a.m. with all members present. Mayor Murphy recessed the regular meeting at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. Mayor Murphy recessed the meeting at 3:25 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:40 p.m. with all members present. Mayor Murphy recessed the meeting at 5:24 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:34 p.m. with all members present. Mayor Murphy adjourned the meeting at 6:10 p.m. into Closed Session in the twelfth floor conference room to discuss pending matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (rl/ek)

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for the Regular Meeting of Tuesday, August 7, 2001**

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FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding San Diego Zoological Society and dispensed a personal video tape to each Council Member of baby animals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A441-494.)

PUBLIC COMMENT-2:

Al Strohleim commented regarding his request that Council consider taking Item 331 on today's Agenda prior to considering Item 330.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A495-506.)

PUBLIC COMMENT-3:

Steve McWilliams commented regarding City Council's approval of SB-187.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A507-550.)

PUBLIC COMMENT-4:

George Lutz commented regarding his request that Council consider taking Item 331 on today's Agenda prior to considering Item 330.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A551-559.)

PUBLIC COMMENT-5:

Leo Long addressed Council with a story on the topic of City Council activities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A560-B022.)

PUBLIC COMMENT-6: **REFERRED TO CITY MANAGER**

Joyceline Tarr commented regarding tree trimming that needs to take place on Newport Avenue in District 2.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B023-056.)

PUBLIC COMMENT-7:

Jim Casale commented regarding the Conditional Use Permit #99-1200 from the Sorrento Hills Chevron Station. He feels that there is a significant error in that study. Based on this error (surrounding cancer risks) he feels it is essential that the Council reconsider the previous motion acted upon.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B057-118.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: **REFERRED TO THE CITY MANAGER**

Council Member Peters requested that a Motion to Reconsider be docketed regarding the Chevron Station in Sorrento Hills. He pointed out that a community member, Jim Casale, spoke this morning (Public Comment 7) and raised significant issues with respect to the Health Risk Assessment. Council Member Peters suggested that Dr. Langerman provide the Council by the end of the month a point-by-point response to the issues that were raised and that these responses can then be reviewed with Staff. If the answers to the questions were not satisfactory, then he would request a Motion for Reconsideration to be docketed.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: D012-034.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Classification of Use - Cycle Visions Motorcycle Repair, Assembly of Custom Motorcycles, and the Sale of Motorcycles.

Matter of the appeal by Matthew A. Peterson, Esq., authorized agent for the applicant, of the decision of the Planning Commission in denying the Classification of Use for a proposed Cycle Visions Motorcycle Shop, which proposes to repair motorcycles, assemble custom motorcycles, and sell motorcycles, is a use similar in character to the uses, including accessory uses, enumerated in Section 103.0204B.3 of the Old Town San Diego Planned District Ordinance. The Cycle Visions Motorcycle Shop proposes to occupy the vacant building at 4263 Taylor Street (formerly Eric's Ribs).

(41-0312. Old Town San Diego Community Plan area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and to deny the proposed Classification of Use:

(R-2002-) GRANTED APPEAL AND CLASSIFICATION OF USE;
ADOPTED AS RESOLUTION R-295381

Adoption of a Resolution granting or denying the appeal and granting or denying the Proposed Classification of Use, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on June 7, 2001, voted 4 - 0 to approve staff's recommendation and deny the Classification of Use; no opposition.

Ayes: Butler, Skorepa, Steele, Garcia
Not present: Anderson, Brown, Stryker,

The Old Town Community Planning Committee on January 10, 2001, voted 7 - 3 to recommend approval of the proposed project.

SUPPORTING INFORMATION:

BACKGROUND

The owner of the Cycle Visions Motorcycle Shop filed this Classification of Use (CLU) application to seek a Planning Commission determination as to whether the motorcycle shop is a use similar in character to the uses, including accessory uses, enumerated in the Old Town San Diego Planned District Ordinance (PDO). As described in the applicant's letter of March 26, 2001, the shop would sell Harley Davidson and other motorcycle-related clothing, jackets, Harley-Davidson parts and accessories along with books, magazines, and videos. Part of the facility would also include a motorcycle museum depicting the history of the motorcycle, with antique motorcycles on display. The applicant would limit to 25 percent of the facility, the sale, service, and repair of custom handcrafted motorcycles and parts.

The owner wishes to occupy an existing vacant commercial building (formerly Eric's Rib restaurant) at 4263 Taylor Street, located in the Core subarea of the Old Town San Diego Planned District. The existing vacant commercial building includes 5,500 square feet of floor area, and a 42-space parking lot. Existing uses surrounding the site include Taylor Street and I-8 freeway off-ramps to the west, Presidio Park's softball field and recreation center to the south and east, and an auto commercial building to the north.

DISCUSSION

The purpose and intent of the Permitted Uses Section of the Old Town San Diego PDO states that "it is the purpose of this section to specify certain groupings of uses to be encouraged or emphasized in Old Town based on the area's physical, historical, and functional conditions." This section then calls out the types of uses that are not considered compatible with the development goals of Old Town San Diego, and are therefore not permitted. The relevant uses listed as not compatible and not permitted include: auto parts stores, auto repair garages, new or used auto sales, and auto service stations.

Additionally in the Old Town San Diego Community Plan Commercial Element, the plan recommends a long list of uses that should be encouraged and several that should be discouraged including: auto parts stores, auto repair garages, auto sales offices, unenclosed automobile service stations, and used car lots.

Section 103.0204C of the Old Town San Diego PDO gives the Planning Commission the authority to approve a CLU, which would allow any other use which the Commission finds to be similar in character to the permitted uses, and consistent with the purpose and intent of the Old Town San Diego Planned District. On June 7, 2001, the Planning Commission denied the CLU.

The applicant argues that 75 percent of the building will be utilized for uses consistent with those specifically spelled out in the Old Town San Diego Planned District Ordinance. The applicant claims that motorcycle repairs, assembly of custom motorcycles, and sale of motorcycles and parts can be found to be consistent with the other uses which are identified within the Old Town San Diego Planned District Ordinance, to wit: bicycle shops with incidental repairs, general and variety stores, gift shops, handicraft shops including woodcraft, leather craft and metal craft, import shops and museums. The applicant believes that with the limitation on the total amount of gross floor area of the existing structure to be allocated to the accessory motorcycle repairs, assembly, and sales, the CLU should be approved. Further, the applicant is requesting that this CLU apply only to 4263 Taylor Street, and that it not be applied to other portions of Old Town.

City staff recommended that the Planning Commission deny the CLU, determining that those uses proposed by the Cycle Visions Motorcycle Shop (sale of motorcycle parts, motorcycle repair, assembly of custom motorcycles, and motorcycle sales) are incompatible with the physical, historical, and functional conditions of the Core subarea of Old Town, and are similar to those uses specifically listed as not permitted in the community plan and not permitted within the PDO.

At the Planning Commission hearing of May 17, 2001, the Planning Commission continued the proposed project, requesting that City staff further research whether any options were available to allow approval of the project through alternative means. One option identified by staff included amending the Old Town PDO and Old Town Community Plan to allow the motorcycle shop to operate at the subject site.

On June 7, 2000, the Planning Commission denied the CLU by a vote of 4-0, but initiated amendments to the Old Town PDO and Old Town Community Plan to allow the motorcycle shop to operate at the subject site. Commissioners determined that although a combination motorcycle shop and museum facility at this particular location would be an appropriate use of

the subject property, they could not support the requested CLU and make the necessary finding that the use would be similar in character to the permitted uses, and consistent with the purpose and intent of the Old Town San Diego Planned District.

City staff is currently in the process of preparing the amendments to the Old Town San Diego PDO and Old Town San Diego Community Plan, which will be submitted for a Planning Commission and City Council hearing within the next few months.

CONCLUSION

The applicant has requested that a determination be made to approve the proposal to limit the sales, service, and repair uses to only 25 percent of the gross floor area of the facility and that the determination only apply to this site. Staff does not believe that there is any authority granted to the Planning Commission or City Council to limit the uses that may be determined to be similar in character to those permitted by the PDO to merely 25 percent of the gross floor area.

In addition, when determinations are made that a particular use is similar in character to another permitted use, the new use will be allowed in all zones and locations where the existing permitted use is presently located. In this case, because the CLU is within the Old Town San Diego PDO, if the City Council were to approve the CLU, the new use would also be allowed in the Core subarea, as well as the Rosecrans and Jefferson subareas of the planned district.

ALTERNATIVES

Approve the Classification of Use.

FISCAL IMPACT: None.

Loveland/Christiansen/MJW

LEGAL DESCRIPTION:

The project site is located at 4263 Taylor Street, within the Core subarea of the Old Town San Diego Planned District and is more particularly described as the Northerly 95 feet of Lot B and all of Lot D, Block 412 of Hinton's Subdivision, according to Map No. 1507.

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: PERM-41-0312 (65)

COUNCIL ACTION: (Tape location: C086-379.)

MOTION BY WEAR TO ADOPT THE RESOLUTION GRANTING THE APPEAL AND THE PROPOSED CLASSIFICATION OF USE. Second by Atkins. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ITEM-331: Fanuel Street Rezone and Local Coastal Program Amendment.

(Continued from the meetings of May 8, 2001, Item 331, May 22, 2001, Item 331, July 10, 2001, Item 332 and July 16, 2001, Item S400; last continued at the request of Attorney Matt Peterson, attorney for the hair salon and motorcycle shop, to allow this item to come forward on the same day as the request for classification use appeal is heard.)

Matter of approving, conditionally approving, modifying or denying a request to rezone a 0.29-acre property located at 4527, 4533, and 4545 Fanuel Street from CO-1-2 (Commercial-Office) to CC-3-4 (Commercial-Community).

The proposed rezone is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this rezone will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(Rezone No. 40-0266. Pacific Beach Community Plan Area. District-2.)

NOTE: Hearing open. No testimony taken on July 16, 2001.

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance:

(O-2001-128) NOTED AND FILED

Introduction of an Ordinance changing 0.29 acres located at 4527 and 4545-4547 Fanuel Street, within the Pacific Beach Community Plan area, from the CO-1-2 (Commercial-Office) Zone into the CC-3-4 (Commercial-Community) Zone, as defined by San Diego Municipal Code Section 131.0507; and repealing Ordinance No. O-10364 (New Series), adopted August 13, 1970, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-1 to approve; was opposition.

Ayes: Steele, Skorepa, Brown, Stryker, Garcia

Nays: Anderson

The Pacific Beach Community Planning Group has recommended denial of the proposed rezone.

CITY MANAGER SUPPORTING INFORMATION:

The project site is a 0.29-acre property located at the southeast corner of Fanuel Street and Felspar Street, within Pacific Beach. The property is developed with three existing commercial buildings, parking, and landscaping. The buildings are currently occupied by a dentist office, a motorcycle sales and service shop, a hair salon, and one 2-bedroom apartment unit upstairs.

The property is currently zoned CO-1-2 (Commercial-Office). This zone allows a mix of office and residential uses, but does not allow commercial services such as the hair salon, nor does it allow vehicle sales and service such as the motorcycle shop. The dentist office is an allowed use.

In September of 1999, the City's Code Compliance Department investigated the site in response to complaints from the neighborhood. After inspecting the site, Code Compliance determined that both the hair salon and motorcycle shop uses were not permitted in the CO-1-2 zone, and were thus in violation of the City's Municipal Code. The Code Enforcement Case against the property has been held in abeyance to allow the property owner to seek City Council approval of a rezone that would permit both the hair salon and motorcycle shop to continue to operate on the premises.

In April of 2000, the owner submitted to the City a rezone application requesting the CC-1-1 (Commercial-Regional) zone. This zone would allow a wide variety of retail and commercial uses, including vehicle and vehicle equipment sales and service (motorcycle shop).

On July 24, 2000, the Pacific Beach Community Planning Committee took formal action on the Fanuel Rezone proposal from CO-1-2 to CC-1-1 and voted (8-1-5) to recommend denial of the rezone request. The committee's action was based primarily on public testimony and opposition provided by residents in the surrounding neighborhood. Most of the complaints centered around the noise and vibration generated or caused by the existing motorcycle shop, including noise impacts associated with motorcycle repair activities (dynamometer), motorcycle noise from customers arriving and leaving the property, and extraneous motorcycle-related activities on the site (parties and road rallies).

Based primarily on opposition from the planning group and surrounding neighbors, the applicant agreed to revise the rezone application to request the CC-3-4 zone, which is a community commercial zone intended to accommodate development with a pedestrian orientation. The CC-3-4 zone prohibits vehicle and vehicle equipment sales and service. Therefore, the sales, rental, service, repair, or maintenance of motorcycles or motorcycle equipment would not be permitted on the property. The CC-3-4 zone would however, allow the hair salon to continue to operate. On November 27, 2000, the applicant presented the revised rezone request to the Pacific Beach Community Planning Committee. Before voting on the revised rezone request, the Planning Committee chair determined that the committee would have to reconsider and rescind their previous vote (by a two-thirds majority). That motion to rescind their previous vote failed, and no further action was taken by the Committee on the requested CC-3-4 zone.

On December 14, 2000, this proposed rezone request was considered by the Planning Commission. During that hearing, considerable concern was expressed by neighbors regarding several uses permitted under the proposed CC-3-4 zone.

In an effort to prohibit certain uses permitted by the proposed zone but deemed inappropriate by neighbors, the applicant volunteered to restrict uses through a recorded deed restriction. The Planning Commission hearing was continued in order to provide the applicant the opportunity to both record the deed restriction, and allow the Pacific Beach Community Planning Committee to review and consider the deed restriction. On January 22, 2001, the Pacific Beach Community Planning Committee rejected the rezone request and the deed restriction.

Finally, on February 15, 2001, the Planning Commission approved the proposed rezone (without the deed restriction).

FISCAL IMPACT: None.

LEGAL DESCRIPTION:

The 0.29 acres located at 4527 and 4545-4547 Fanuel Street, as shown on Zone Map Drawing No. B-4147, and is more particularly described as Parcels 1 and 2 of Parcel Map No. 00397.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C380-450.)

MOTION BY WEAR TO DENY THE REZONE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Scripps Gateway Freeway Center.

Matter of the City Council reconsidering the appeal by Schulman, Hecht, Solberg, Robinson & Goldberg LLP, Attorneys for the Applicant Shea Homes Limited Partnership, LLC and Shea Properties, of the December 7, 2000, decision of denial by the Planning Commission for an application to develop two hotels: one four story 137 room hotel and one four story 97 room hotel, one gasoline station/car wash/mini mart, one five thousand five hundred thirty square foot restaurant, one drive-through restaurant totaling 3,200 square feet, 9,000 square feet of retail space, surface parking, a park and ride lot, landscaping and improvements in the public right-of-way, on portions of a 20.3 acre site.

(99-1341 Tentative Map/Planned Commercial Development Permit/Conditional Use Permit. Miramar Ranch North Community Plan Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to grant the appeal, and grant the Permits; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2002-) ADOPTED, RECONSIDERED, AND ADOPTED AS
RESOLUTION R-295382

Adoption of a Resolution certifying the Addendum to Environmental Impact Report 92-0466 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2002-) GRANTED APPEAL/PERMITS; ADOPTED, RECONSIDERED, AND ADOPTED AS AMENDED AS RESOLUTION R-295383

Adoption of a Resolution granting or denying the appeal and granting or denying the Planned Commercial Development and Conditional Use Permit No. 99-1341, with appropriate findings to support Council action.

Subitem-C: (R-2002-) GRANTED MAP; ADOPTED, RECONSIDERED, AND ADOPTED AS RESOLUTION R-295384

Adoption of a Resolution granting or denying Tentative Map No. 99-1341, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to deny; was opposition to the project.

Ayes: None

Nays: Steele, Anderson, Brown, Butler, Skorepa, Stryker, Garcia

The Planning Commission found the project inconsistent with the Community Plan and denied the project.

The Miramar Ranch North Community Planning Group has recommended approval of this project subject to concerns. See letters of public correspondence attachments 1, 2, and 3 to the Manager's Report.

CITY MANAGER SUPPORTING INFORMATION:

The original design of the Scripps Gateway Freeway Center project was denied by the Planning Commission at the December 7, 2000 hearing. The applicant appealed the decision to the City Council. On February 13, 2001 the City Council heard the item and upheld the decision of the Planning Commission by denying the appeal and denying the project.

The applicant sued the City of San Diego, and thereafter, the parties entered into a settlement agreement which provides applicant the ability to seek reconsideration of their modified project.

The Scripps Gateway Freeway Center project site occupies 20.3 acres of the 242.1 acre, master planned project, Scripps Gateway, in the northwest portion of the Miramar Ranch North Community planning area. The proposed project would be developed on approximately 18.9 net acres of a site previously mass graded in conformance with the tentative map approved for Scripps Gateway. This site is identified as Lot 2 of Scripps Gateway Unit 3. The site is located north of Scripps Poway Parkway east of Interstate 15 in the CC-1-3 (CA) zone. Surrounding land uses include Interstate 15 to the west, open space to the north, single family and proposed industrial development to the south, and multi-family condominium development to the east. The site is subject to the terms and conditions of an existing Development Agreement, Doc. No. 00-17587 and Operating Memorandum to Development Agreement, Doc. 00-17587, and the Scripps Gateway PCD Permit 92-0466.

The Development Agreement was adopted by the City Council on August 9, 1988, amended on September 13, 1988 and September 6, 1989, between the Wuest Estates Company and The City of San Diego. The Scripps Gateway PCD master permit 92-0466 was approved by the City Council on September 29, 1998. The proposed project is consistent with all terms and satisfied all requirements of the existing Development Agreement and the existing master permit.

FISCAL IMPACT: None.

Christensen/Loveland/JSF

LEGAL DESCRIPTION:

The site is located on the northeast corner of the intersection of Interstate 15 and Scripps Poway Parkway and is more particularly described as a portion of the southern half of the southeast quarter of Section 20, T14S, R2W, SBM, Miramar Ranch North Community Plan area.

FILE LOCATION: Subitems A,B,C: PERM-99-1341 (65)

COUNCIL ACTION: (Tape location: C029-051; D035-084.)

MOTION BY MAIENSCHIN TO ADOPT; GRANTING THE APPEAL; GRANTING THE PERMITS, AND GRANTING THE MAP. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MAIENSCHIEIN TO RECONSIDER ITEM 332. Second by Atkins.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MAIENSCHIEIN TO ADOPT THE RESOLUTIONS GRANTING THE
MAP AND THE PERMITS AS AMENDED TO INCLUDE THE REGULATION OF
THE SALE OF ALCOHOL SO THAT ALCOHOL CAN BE SOLD AT THE GAS
STATION BEYOND 10:00 P.M. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Duck Pond Ranch.

Matter of approving, conditionally approving, modifying or denying a Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance, and Street Vacation to develop a 30.9 acre parcel into 12 residential lots and establish development guidelines, including provisions for guest quarters, for the development of 12 single family homes located on the east side of the extension of Carmel Mountain Road, south of the eastern terminus of Del Mar Mesa Road, in the Del Mar Mesa Community Plan for Subarea V. The project also includes the vacation of a portion of an unpaved roadway located along the westerly boundary in the general alignment of the future Carmel Mountain Road.

(TM/PRD/RPO/SV-99-0729. Del Mar Mesa Community Plan area. District- 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem C to grant the map and the street vacation:

Subitem-A: (R-2002-173) ADOPTED AS RESOLUTION R-295385

Adoption of a Resolution certifying that the information contained in the Findings to Master Environmental Impact Report (EIR), LDR No. 99-0729 (Findings to Master EIR No. 95-0353, Master EIR SCH No. 93071097), has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Duck Pond Ranch Findings to the Del Mar Mesa Specific Plan Master EIR LDR No. 95-0353 reflect the independent judgement of the City of San Diego as Lead Agency; stating for the record that the Duck Pond Ranch

Findings to the Del Mar Mesa Specific Master EIR have been reviewed and considered by the Council prior to approving the project; and adopting the project specific Mitigation Monitoring and Reporting Program (MMRP).

Subitem-B: (R-2002-) GRANTED PERMIT; ADOPTED AS RESOLUTION
R-295386

Adoption of a Resolution granting or denying a Planned Residential Development/Resource Protection Ordinance Permit No. 99-0729 for 12 single family units and 5 open space lots (PRD/RPO No. 99-0729), including a Multiple Habitat Planning Area [MHPA] Boundary Adjustment.

Subitem-C: (R-2002-) GRANTED MAP; ADOPTED AS RESOLUTION
R-295387

Adoption of a Resolution granting or denying Tentative Subdivision Map No. 99-0023 for 17 lots (12 single family, 5 open space); and pursuant to Municipal Code (Old Code) section 102.0307 and California Government Code section 66434(g), vacating an unpaved roadway along the general alignment of Carmel Mountain Road, as shown on Tentative Map No. 99-0729, contingent upon the recordation of the approved final map for the project.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve; no opposition.

Ayes: Steele, Anderson, Stryker, Brown, Butler
Nays: None
Not present: Garcia, Skorepa

Recommend to the City Council approval of PRD/RPO/TM/SV 99-0729 with the conditions as contained in the draft Permit.

The Del Mar Mesa Community Planning Group considered the project at their April 12, 2001 meeting and by a 9-0-2 vote is recommending approval of the project.

SUPPORTING INFORMATION:

The proposed application package would allow for the construction of a twelve (12) unit single family development with five (5) open space lots on a 30.9 acre site located in the Del Mar Mesa Community Plan. The 30.9 acre site is located in the central most portion of the Community Plan on the east side of the future extension of Carmel Mountain Road at the easterly terminus of

Del Mar Mesa Road. Access to the site will be from a private gated road adjacent to a future 4 acre City Park this project will be reserving. The project was found to be consistent with City Council Policy 600-42, Gated Communities. An unpaved roadway along the general alignment of Carmel Mountain Road will be vacated as part of the Final Map. The project is subject to the AR-1-1 zoning regulations of the Del Mar Mesa Specific Plan which allows a maximum of one dwelling unit per 2.5 acres. The actual lot sizes range between 0.80 and 2.0 acres.

It is the intent of the applicant to sell the lots off to individual owners who would then prepare building plans subject to the Design Guidelines for Duck Pond Ranch. Condition number 29 requires that each residential lot be subject to substantial conformance review to verify conformance with the policies of the Del Mar Mesa Specific Plan and the design guidelines contained therein prior to the issuance of building permits.

The affordable housing provisions within the Del Mar Mesa Community Plan for projects of this size may be fulfilled through the payment of an in-lieu fee to the City's NCFUA Affordable Housing Trust Account. A condition has been included in the Permit to pay the fee prior to the issuance of building permits.

As part of the adoption of the Del Mar Mesa Specific Plan (Subarea V Plan), a comprehensive Environmental Impact Report was prepared and certified. Site specific environmental studies concluded that with the adoption of the Mitigation Monitoring and Reporting Program, all identified potential environmental impacts resulting from the project could be mitigated.

The Del Mar Mesa Community Planning Group considered the project at their April 12, 2001 meeting and by a 9-0-2 vote is recommending approval of the project.

The City Manager therefore recommends certification of the Findings to the MEIR and approval of the TM, PRD, RPO, and Street Vacation for the Duck Pond Ranch 12 unit residential development.

FISCAL IMPACT: None.

All costs associated with this project are recovered from a deposit provided by the applicant.

Loveland/Haase/RFG

LEGAL DESCRIPTION:

The project is located in the Del Mar Mesa Subarea (Subarea V) within the North City Planned

Urbanizing Area, just southeast of the intersection where Vine Road and Shaw Ridge Road meet and is more particularly described as Portions of the NW 1/4 of the SE 1/4 and north 1/2 of the NE 1/4 of the SW 1/4 of Section 22, Township 14 South, Range 3 West.

FILE LOCATION: Subitems A,B,C: PERM-99-0729 (65)

COUNCIL ACTION: (Tape location: C052-062.)

MOTION BY PETERS TO ADOPT THE RESOLUTIONS, GRANTING THE PERMIT; GRANTING THE MAP AND THE STREET VACATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Three actions related to the Otay Valley Athletic Complex - Amending the Otay Mesa/Nestor Public Facilities Financing Plan.

(Otay Mesa-Nestor Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-262) ADOPTED AS RESOLUTION R-295388

Approving the document entitled "Otay Mesa-Nestor Public Facilities Financing Plan, May 1997, Amended August 2001."

Subitem-B: (R-2002-263) ADOPTED AS RESOLUTION R-295389

Rescinding the existing Otay Mesa-Nestor Development Impact Fees (DIF);

Declaring the DIF fee schedule contained in the Otay Mesa-Nestor Public Facilities Financing Plan, May 1997, Amended August 2001, to be an appropriate and applicable DIF fee schedule for all properties within the Otay Mesa-Nestor Community Planning Area;

Declaring that the Docket Supporting Information and the text amendments contained on pages 3 and 13 of the Otay Mesa-Nestor Public Facilities Financing

Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIF's.

Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C: (R-2002-264) ADOPTED AS RESOLUTION R-295390

Authorizing the City Manager to negotiate, for and on behalf of the City, an agreement with the County of San Diego, for the purpose of accepting \$50,000 for use on CIP-29-550.0, Otay Valley Athletic Complex;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fiscal Year 2002 Otay Mesa/Nestor Development Impact Fees, Fund No. 79517, and an amount not to exceed \$50,000 from Private and Others Contributions, Fund No. 63022, contingent upon receipt of a fully executed contract, for the purpose of providing funds for use on CIP-29-550.0, Otay Valley Athletic Complex project.

CITY MANAGER SUPPORTING INFORMATION:

The Otay Valley Athletic Complex will be located on 40 acres of disturbed and undisturbed, City-owned property. The site is located within the Otay Mesa/Nestor Community west of Interstate 5, east of Saturn Boulevard, and north of Palm Avenue. This project will provide for a General Development Plan which will identify the location of a skate park facility and other recreational facilities to satisfy community-identified recreational needs. Recreational amenities may include a multi-purpose sports field, field house, restrooms, playground, parking, walkways, miscellaneous landscaping and a staging area/trail head into the Otay Valley Regional Park. The Otay Valley Regional Park is a tri-jurisdictional park project that includes the Cities of San Diego, Chula Vista and the County of San Diego. Implementation will occur subsequent to identification of additional funds.

FISCAL IMPACT:

Funds in the amount of \$100,000 are available for this purpose as follows: \$50,000 from FY 2002 Otay Mesa/Nestor Development Impact Fees, Fund No. 79517, and \$50,000 from Private and Others Contributions, Fund No. 63022. The Private and Others Contribution is from the County of San Diego, as a contribution towards the planning as it relates to the Otay Valley Regional Park.

Annual maintenance and personnel expenses will be determined based upon the facilities that are designed.

Loveland/McLatchy/DVW

Aud. Cert. 2200103.

FILE LOCATION: Subitems A,B,C: MEET

COUNCIL ACTION: (Tape location: C063-068.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Two actions related to Carmel Valley - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 01-122; Public Facilities Financing Plan and FBA, Fiscal Year 2002, April 2001 Draft; May 17, 2001 Errata. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMEDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-5) CONTINUED TO TUESDAY, SEPTEMBER 18, 2001

Designating an area of benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the

parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2002-6) CONTINUED TO TUESDAY, SEPTEMBER 18, 2001

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on July 17, 2001, by Resolution No. R-295161, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/13/2001, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

FILE LOCATION: Subitems A,B: STRT-FB-8-02 (33)

COUNCIL ACTION: (Tape location: B122-166.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, SEPTEMBER 18, 2001 FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-336: Two actions related to Torrey Highlands - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-01-108; Public Facilities Financing Plan and FBA, Fiscal Year 2002, May 2001 Draft. Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-9) ADOPTED AS RESOLUTION R-295391

Designating an area of benefit in Torrey Highlands and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Torrey Highlands Facilities Benefit Assessment Area.

Subitem-B: (R-2002-10) ADOPTED AS RESOLUTION R-295392

Declaring that the assessment fee schedule contained in the Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on July 17, 2001, by Resolution No. R-295159, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Torrey Highlands Community;

Declaring that the Docket Supporting Information and the text contained in the Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for

satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C: (R-2002-11) ADOPTED AS RESOLUTION R-295393

Authorizing the City Auditor and Comptroller to establish the Torrey Highlands Facilities Benefit Assessment Fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/30/2001, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

FILE LOCATION: Subitems A,B,C: STRT-FB-18-02 (33)

COUNCIL ACTION: (Tape location: C069-085.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: Two actions related to Rancho Encantada - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 01-163; Public Facilities Financing Plan and FBA, Fiscal Year 2002, July 2001 Draft. Rancho Encantada Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-251) ADOPTED AS RESOLUTION R-295399

Approving the document entitled "Rancho Encantada Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2002, July 2001."

Subitem-B: (R-2002-252) ADOPTED AS RESOLUTION R-295400

Resolution of Intention to designate area of benefit in Rancho Encantada and setting the time and place for holding a public hearing thereon.

NOTE: Companion Item to Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project. See Item 338 on today's docket.

FILE LOCATION: STRT-FB-21-02 (33)

COUNCIL ACTION: (Tape location: D085-I053.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS AS STATED IN HIS MEMO, WHICH WAS DISTRIBUTED DURING THE MEETING, AS LISTED BELOW:

- A. APPROVE THE CITY MANAGER'S RECOMMENDATION AS INDICATED IN REPORT NO. 01-167, INCLUDING COMPANION ITEM 337 (APPROVAL OF THE RANCHO ENCANTADA PUBLIC FACILITIES FINANCING PLAN), AND THE ERRATA SHEET, WITH THE FOLLOWING MODIFICATIONS;
- B. GATE BEELER CANYON ROAD FOR EMERGENCY ACCESS ONLY (AS RECOMMENDED BY THE PLANNING COMMISSION);
- C. INCORPORATE THE TERMS OF THE "BIG 5" AGREEMENT BETWEEN MIRAMAR RANCH NORTH PLANNING COMMITTEE, SCRIPPS RANCH PLANNING GROUP, SCRIPPS RANCH CIVIC ASSOCIATION, SCRIPPS RANCH RECREATION COUNCIL, SOS RANCH AND SYCAMORE ESTATES, LLC AND SYCAMORE ESTATES II, LLC (AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES) INTO THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS (THAT'S KNOWN AS THE MISSION TRAILS AGREEMENT) BETWEEN THE CITY OF SAN DIEGO AND SYCAMORE ESTATES, TO THE EXTENT IT IS CONSISTENT WITH STATE AND LOCAL POLICES, PROCEDURES, LAWS AND REGULATIONS;

- D. IMPLEMENT THE GRAVITY SEWER SYSTEM AND DESIGN ACCESS TO THE SEWER SYSTEM AS TRAILS TO MINIMIZE OR PRECLUDE IMPACTS ON THE ENVIRONMENT (AS RECOMMENDED BY THE PLANNING COMMISSION) AND TO BE CONSISTENT WITH THE RECOMMENDATIONS OF THE CITYWIDE CANYON SEWER TASK FORCE AS APPROVED BY THE NATURAL RESOURCES & CULTURE COMMITTEE IN JULY 2001;
- E. MAINTENANCE OF THE ADDITIONAL 6-ACRE PARK, AS DESCRIBED IN THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES SHALL BE THE RESPONSIBILITY OF A MAINTENANCE ASSESSMENT DISTRICT; HOWEVER, PRIOR TO CREATION OF THE ASSESSMENT DISTRICT, THE DEVELOPER SHALL ENTER INTO A LANDSCAPE MAINTENANCE AGREEMENT WITH THE CITY FOR MAINTENANCE OF THIS AREA UNTIL THE ASSESSMENT DISTRICT IS CREATED;
- F. CONSISTENT WITH PARAGRAPH 1B OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS AND PURSUANT TO THE MASTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE MISSION TRAILS REGIONAL PARK FOUNDATION, INC. DATED JULY 30, 1991, AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE MISSION TRAILS REGIONAL PARK
- G. FOUNDATION, INC. REGARDING THE APPROPRIATION AND USE OF \$1,760,000 MILLION (80% OF \$2.2 MILLION) FOR MISSION TRAILS REGIONAL PARK. THE AGREEMENT SHALL SPECIFY THAT THE FUNDS WILL BE USED SOLELY FOR THE ACQUISITION, MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK.
 - 1. THE AGREEMENT SHALL FURTHER SPECIFY THAT \$260,000 CAN BE USED IMMEDIATELY FOR THE ACQUISITION, MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK; AND
 - 2. SHALL FURTHER SPECIFY THAT \$1,500,000 SHALL BE MAINTAINED IN AN INTEREST BEARING ENDOWMENT

FUND SOLELY FOR THE ACQUISITION, MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK AND THAT NO MORE THAN 5% OF THE PRINCIPAL AND INTEREST BALANCE OF THE FUND PER FISCAL YEAR UNLESS AUTHORITY IS OTHERWISE GRANTED BY THE CITY COUNCIL;

- H. CONSISTENT WITH PARAGRAPH 1B OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS, \$440,000 (20% OF \$2,200,000 MILLION) SHALL BE DEPOSITED INTO AN INTEREST BEARING FUND SOLELY FOR PUBLIC IMPROVEMENT PROJECTS IN THE KEARNY MESA COMMUNITY.
 - 1. AUTHORIZE THE CITY AUDITOR TO CREATE AN INTEREST BEARING FUND FOR THE PUBLIC IMPROVEMENT PROJECTS IN THE KEARNY MESA COMMUNITY.
- I. AUTHORIZE THE CITY AUDITOR TO CREATE INTEREST BEARING FUNDS FOR THOSE MONIES WHICH ARE THE SUBJECT OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES TO BE PAID BY DEVELOPER (WHICH IS REFERENCED AS EXHIBIT H OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, AND THOSE ITEMS ARE AS FOLLOWS:
 - 1. SCRIPPS RANCH COMMUNITY FUND (BULLET 1 OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES);
 - 2. RANCHO ENCANTADA SIX ACRE PARK FUND (BULLET 2 OF THE AGREEMENT);
 - 3. SCRIPPS RANCH LIBRARY FUND (BULLET 3 OF THE AGREEMENT);
 - 4. SCRIPPS RANCH WALKWAY FUND (BULLET 4 OF THE AGREEMENT);
 - 5. SPRING CANYON ROAD TRANSPORTATION IMPROVEMENTS FUND (BULLET 5 OF THE AGREEMENT);

6. SCRIPPS RANCH/MIRAMAR RANCH NORTH IMPROVEMENT FUND (BULLET 8 OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES).

ACCEPT MAYOR MURPHY'S REQUEST THAT THE DECISION REGARDING THE FIREBREAK POLICY ON THE PROJECT BE DEFERRED UNTIL THIS FALL AND BE SENT TO THE RULES COMMITTEE, SINCE IT IS WITHIN THE JURISDICTIONS OF BOTH NATURAL RESOURCES AND LAND USE AND HOUSING. THAT NO DECISION BE MADE AT THE PRESENT TIME, AND THAT THE FOLLOWING ISSUES BE REVISITED: TRAILS, FIREBREAKS, WATER-QUALITY PROBLEMS CAUSED BY RUNOFF ON BLADED TRAILS, NATIVE SPECIES, OFF-ROAD ACTIVITY, AND COSTS.

ACCEPT COUNCIL MEMBER MADAFFER'S REQUEST THAT A MORE DETAILED REPORT BE PROVIDED ON WHICH FIREBREAKS SHOULD BE RETAINED AND WHICH ONES SHOULD BE REMOVED.

ACCEPT COUNCIL MEMBER MADAFFER'S REQUEST THAT A BETTER ASSURANCE BE PROVIDED THAT THE CITY'S CONTRIBUTION OF \$3 MILLION TO CALTRANS FOR THIS PROJECT IS ACTUALLY GOING TO LEVERAGE STATE APPROPRIATION FUNDS, AND DIRECT STAFF TO WORK WITH THE STATE TO ENSURE THIS PROJECT RECEIVES TOP PRIORITY. REQUEST THAT A STATUS REPORT REGARDING THESE FUNDS BE PROVIDED TO COUNCIL OR LU&H WITHIN SIX MONTHS. THE RULES COMMITTEE IS DIRECTED TO GET IN TOUCH WITH IRD FOR ANY POSSIBLE ACTION, SO THAT THIS PROJECT GETS ROLLING.

ACCEPT COUNCIL MEMBER ATKINS' REQUEST THAT THE ISSUE OF TRANSPORTATION TRAFFIC BE CONSIDERED BY THE SMART GROWTH IMPLEMENTATION GROUP. TO OBTAIN FROM MTDB WHERE THE CLOSEST SERVICE IS, WHERE THE CLOSEST BUS LINES ARE, WHAT THE SERVICE NUMBERS ARE, AND WHAT THE NUMBER OF RIDERS IS. PROVIDE AN ANALYSIS OF HOW MUCH IT WOULD COST TO CONSTRUCT THIS ROUTE OR TO EXTEND A ROUTE INTO A NEIGHBORHOOD NOT HAVING AN EXISTING SERVICE, AND INTRODUCE THE ORDINANCES IN SUBITEMS G AND H. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-338: Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project.

Matter of approving, conditionally approving, modifying or denying the Rancho Encantada Precise Plan, Sycamore Estates project, and the Montecito project. Required approvals include Amendments to the Progress Guide and General Plan, adoption of the Rancho Encantada Precise Plan, a Rezone from IL-3-1 (formerly M1-A) and IH-2-1 (formerly M2-A) to AR-1-1 (formerly A-1-10), Vesting Tentative Maps, Planned Residential Development Permits, Resource Protection Ordinance Permits, a street vacation, and adoption of an agreement between the City of San Diego and Sycamore Estates L.L.C. to modify the obligations with respect to the previously approved Development Agreement between the City of San Diego and General Dynamics. This new agreement provides for a substitution and enhancement of extraordinary benefits originally bargained for in the Development Agreement. The project site is located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar. **(Companion Item to Rancho Encantada - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment)**. The projects are summarized below:

The Rancho Encantada Precise Plan -will serve as the City of San Diego's detailed long range plan for the development of 2,658 acres located east of Pomerado Road and south of Beeler Canyon Road within the Future Urbanizing Area. The Precise Plan proposes 828 single family homes, 106 multi-family units affordable to lower income families, an elementary school site, a park site, and two institutional sites. Approximately 2,000 acres of the Precise Plan area will be retained as open space. In addition, two independent sub-projects which will implement the Precise Plan are being processed concurrently - Sycamore Estates and Montecito.

Sycamore Estates is comprised of 2,132 acres, and proposes 551 single-family homes, 106 affordable housing units, a school site, public park site, two institutional sites, and several open space lots.

Montecito is comprised of 278 acres, and proposes 277 single-family homes and several open space lots.

(99-0295; 99-1094; 99-0899. Future Urbanizing Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map and street vacation; adopt the resolution in Subitem D to grant the

permit; adopt the resolution in Subitem E to grant the map and street vacation; adopt the resolution in Subitem F to grant the permit; and introduce the ordinances in Subitems G and H:

Subitem-A: (R-2002-171) ADOPTED AS AMENDED AS RESOLUTION R-295401

Adopting of a Resolution certifying that the information contained in Environmental Impact Report (EIR) LDR No. 99-1094 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for Rancho Encantada Precise Plan and subprojects Sycamore Estates and Montecito;

Adopting the findings made with respect to the project, pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091;

Adopting the Statement of Overriding Considerations, pursuant to California Code of Regulations Section 15093;

Adopting the Mitigation Monitoring and Reporting Programs [MMRPs] for Montecito and Sycamore Estates, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-172) ADOPTED AS AMENDED AS RESOLUTION R-295402

Adoption of a Resolution approving the Rancho Encantada Precise Plan, including the Multiple Habitat Planning Area boundary adjustment, and associated amendments to the Progress Guide and General Plan.

Subitem-C: (R-2002-) GRANTED MAP AND STREET VACATION;
ADOPTED AS AMENDED AS RESOLUTION R-295403

Adoption of a Resolution granting or denying Vesting Tentative Map, VTM-99-0899; and pursuant to (Old Code) Municipal Code Section 102.0307 (LDC Section 125.0430) and California Government Code Section 66434(g), vacating portions of Beeler Canyon Road, part of the Sycamore Estates project.

Subitem-D: (R-2002-) GRANTED PERMIT; ADOPTED AS AMENDED AS RESOLUTION R-295404

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit 99-0899, part of the Sycamore Estates Project, with appropriate findings to support Council action.

Subitem-E: (R-2002-) GRANTED MAP AND STREET VACATION; ADOPTED AS AMENDED AS RESOLUTION R-295405

Adoption of a Resolution granting or denying Vesting Tentative Map, VTM-99-0295; and pursuant to (Old Code) Municipal Code Section 102.0307 (LDC Section 125.0430) and California Government Code Section 66434(g), vacating portions of Old Pomerado Road (Mission Road), part of the Montecito Project.

Subitem-F: (R-2002-) GRANTED PERMIT; ADOPTED AS AMENDED AS RESOLUTION R-295406

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit 99-0295, part of the Montecito Project, with appropriate findings to support Council action.

Subitem-G: (O-2002-16) INTRODUCED, TO BE ADOPTED ON MONDAY, SEPTEMBER 10, 2001

Introduction of an Ordinance changing the Sycamore Estates property, located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, from the IL-3-1 and IH-2-1 zones (previously referred to as the M1-A and M2-A zones) into the AR-1-1 (previously referred to as the A-1-10 zone), as defined by San Diego Municipal Code section 131.0301; and repealing all previously existing zoning regulations insofar as the same conflict herewith.

Subitem-H: (O-2002-17) INTRODUCED, TO BE ADOPTED MONDAY, SEPTEMBER 10, 2001

Introduction of an Ordinance authorizing the city Manager to execute an agreement regarding Substitution of Extraordinary Benefits, Expansion of Mission Trails Park, and Satisfaction of Development Agreement Requirements with Sycamore Estates, LLC.

OTHER RECOMMENDATIONS:

Planning Commission on July 19, 2001, voted 5 - 0 to approve the City Manager's Recommendation with modifications (see Manager's Report); was opposition.

Ayes: Garcia; Stryker; Letteri; Butler; Brown
Abstaining: Shultz
Not present: Anderson

The Miramar Ranch North Planning Committee, the Scripps Ranch Planning Group, the Scripps Ranch Civic Association, the Scripps Ranch Recreation Council, and Save Our Scripps (SOS) Ranch have recommended approval of the Rancho Encantada Project with the "Big 5" agreement (see exhibit A, City Manager's Report).

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

Rancho Encantada is located in the City of San Diego's Future Urbanizing Area (FUA). The 2,658-acre property is bordered on the north by the City of Poway and on the south by Marine Corps Air Station (MCAS) Miramar. West of the site are the communities of Scripps Miramar Ranch and Miramar Ranch North. The eastern portion of the property borders Goodan Ranch and the Sycamore Canyon County Open Space Preserve. Pomerado Road, which abuts the site to the west provides primary access to the site.

Beeler Canyon Road, which borders the site to the north, is proposed as a secondary access to Rancho Encantada and is the historical access to the General Dynamics property. Interstate 15 is located approximately two miles to the west. This area is the largest undeveloped and unplanned portion of the FUA that is not currently part of a military reservation. The General Dynamics Corporation has historically used portions of the site for missile assembly and other military production.

On March 30, 1999, the City received development applications from the Pacific Land and Investment company for the Montecito project, a proposed residential subdivision in the western portion of the Rancho Encantada project area. On September 13, 1999, the City received applications from McMillin Homes Incorporated (later Sycamore Estates, LLC) for a residential and industrial development ("Sycamore Estates") on the 2,132-acre site in the eastern portion of

the Rancho Encantada project area. (Sycamore Estates, LLC has since purchased the Montecito property from Pacific Land and Investment Company).

In July and August of 1999, the City received correspondence from the Scripps Ranch Civic Association, Scripps Ranch Planning Group, Miramar Ranch North Planning Committee and Scripps Ranch Recreation Council requesting that a comprehensive plan for this entire area be prepared. Following a series of meetings with City staff, the applicants agreed to undertake the preparation of a precise plan. The Rancho Encantada Precise Plan was recommended for initiation by the Planning Commission on December 2 and formally initiated by the City Council on December 9, 1999.

Two Planning Commission workshops have been held on the Rancho Encantada project: April 20, 2000 and May 18, 2000. The first workshop provided a status report on the precise plan and affiliated permits, and a discussion of key land use issues, design issues, and public participation. As a result of this workshop, the affordable housing component was relocated to a central "core" area adjacent to the park and school.

The Planning Commission discussed the benefit of siting the medium-high density affordable housing adjacent to the school/park site, in order to create a stronger neighborhood center and allow more students to walk to school.

Additionally the workshop focused on suggestions for the creation of quality architectural design guidelines, including street standards, grading design, landscaping and development character. Continued public participation was encouraged and the future possibility of the expansion of an adjacent community planning area was discussed. Because sensitive grading design was paramount to the Commission, a second workshop was scheduled for May 18, 2000, specifically to address grading of the site.

On July 19, 2001, the Planning Commission voted unanimously (5-0) to recommend approval of the Rancho Encantada, Sycamore Estates, and Montecito projects, with six modifications.

The Planning Commission recommended that Beeler Canyon Road be gated for emergency access only, instead of allowing the road to be improved for public access into the project. This recommendation was based largely on testimony provided during the public hearing. Council members from the City of Poway together with several residents who live along Beeler Canyon Road expressed concerns regarding the road's impact on the existing rural character of Beeler Canyon. Because the project's circulation system would function adequately both with or without Beeler Canyon Road, the Planning Commission recommended that the road be closed to all traffic, except emergency vehicles.

One of the overriding considerations the Planning Commission focused on when formulating their recommendation for approval included the "Big 5" agreement between the applicant and

five organizations from Scripps Ranch and Miramar Ranch North. Although the project generates several significant environmental impacts, the Planning Commission felt these were at least partially outweighed by the extraordinary public facility and infrastructure improvements offered within the agreement.

The Planning Commission's recommendation to approve the project included incorporating the agreement into the EIR's Statement of Overriding Considerations, as well the Rancho Encantada Precise Plan.

One of the extraordinary benefits provided by the "Big 5" agreement includes the conveyance to the City of San Diego of a fully improved 6-acre park. The community's population based park requirements are already being satisfied through the provision of a 4-acre neighborhood park adjacent to the elementary school. City funds necessary to maintain this park would not be available because park requirements have already been satisfied based on City standards for population based parks. Because both the community and the Planning Commission agreed that the park was needed, the Planning Commission recommended that the City Council consider allocating operating funds for the maintenance of this additional 6-acre park, and that it be placed in City ownership. If City funds do not become available, the park could be owned and maintained by a Home Owners Association.

PROJECT DESCRIPTION

This land development project consists of three components - the Rancho Encantada Precise Plan, the Sycamore Estates, and Montecito project.

1. The Rancho Encantada Precise Plan - This land use policy document will serve as the City of San Diego's long range plan for the development of the 2,658- acre project site. The Precise Plan proposes 828 single dwelling units, 106 affordable housing units, two institutional sites, an elementary school and adjacent park, and the preservation of over 2,000 acres of open space (80% of the project area). The Precise Plan also provides for utility improvements, the transportation system and street network, a trail system, and architectural , landscaping and lighting design guidelines. The Land Use Plan Map is included in Attachment 4, and the Master Trails Plan is included in Attachment 5. The Rancho Encantada Precise Plan is included in attachment 16 under separate cover.
2. Sycamore Estates - This project proposes the development of 551 single dwelling units, 106 affordable housing units, a 12-acre elementary school site, a 4-acre neighborhood park site, two institutional sites totaling 13.9 acres, and 11 open space lots totaling 1,498 acres. This project includes a rezone from IL-3-1 (a light industrial zone) and IH-2-1 (a heavy industrial zone) to AR-1-1 (allows 1 residential unit per ten-acres or one unit per four acres using the PRD cluster option). The project also proposes a Multiple Habitat

Planning area (MHPA) Boundary Adjustment that would remove 35.6 acres of existing MHPA lands and add 383.9 acres of non-MHPA lands into the MHPA.

3. Montecito - Proposes the development of 277 single dwelling units, the creation of 36 open space lots totaling 125 acres, and the preservation of one 1.7-acre lot to accommodate an existing on-site residence. There is no affordable housing requirement for the Montecito project.

Agreement between the City of San Diego and Sycamore Estates L.L.C.:

Conveyance of Park Land - A portion of the Sycamore Estates sub-project site is currently controlled by the terms and conditions of a Development Agreement between the City and General Dynamics. A new agreement between the City of San Diego and the owner of the Sycamore Estates sub-project is proposed to modify the obligations of the city and Sycamore Estates with respect to the Development Agreement. The new agreement provides for a substitution and enhancement of extraordinary benefits originally bargained for in the Development Agreement. Specifically, the new agreement would obligate Sycamore Estates to convey 1,568 acres to the city of San Diego to be added to Mission Trails park. This land conveyance is comprised of the following three components:

- J. 1,150-acres of real property which currently is planned as open space;
- K. 50-acres of real property with existing industrial uses associated with the land. 35,000 square-feet of existing buildings existing within this 50-acre industrial area will also be available for City use either through retention, remodeling, construction and/or removal;
- L. 368-acres of real property within the development area of Rancho Encantada which will be set aside and added to the City's MHPA.

Endowment Trust Fund - An endowment trust fund for long-term maintenance of this conserved property within Sycamore Estates would also be established. The endowment fund would be an initial contribution of \$250,000 by Sycamore Estates to create the endowment funds' corpus. The endowment fund's earnings would be used for long term maintenance of the conserved property. An additional \$15,000 will be provided by Sycamore Estates for the initial/first year maintenance of the conserved property.

Cash Payment - Four incremental cash payments of \$550,000 totaling \$2.2 million will be granted over time by Sycamore Estates to the city for the purpose of funding improvements to Mission Trails Park and for use within the Kearny Mesa community. 80% of the \$2.2 million

will be allocated for Mission Trails Park improvements and 20% of the \$2.2 million will be made available for use within the Kearny Mesa community. The eastern portion of Sycamore Estates was the subject of a previous conservation agreement. The Rancho Encantada project will cause that acreage to be preserved as open space consistent with the MSCP.

FISCAL IMPACT:

A portion of the Sycamore Estates sub-project site is currently controlled by the terms and conditions of a 1997 Development Agreement between the City and General Dynamics. A new agreement between the City of San Diego and Sycamore Estates, L.L.C. will obligate the developer to convey 1,568-acres of park land to the City for the expansion of Mission Trails Park, to add new MHPA land to the City's MSCP Preserve, to establish an endowment trust fund for long-term maintenance of conserved property within Sycamore Estates, and to make a cash payment to the City for the purpose of funding improvements to Mission Trails Park and within the Kearny Mesa community. A discussion of the Agreement is included on page 5 of the City Manager's Report, and the Agreement is included as Attachment 15 under separate cover.

In addition, the "Big 5" agreement requires the developer to provide a wide variety of public improvements and additional funding for public facilities valued at over \$5 million.

Loveland/Goldberg/Christiansen/MJW

LEGAL DESCRIPTION:

The Sycamore Estates Project is a 2,132-acre site located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, in the AR-1-1 zone of the City's Future Urbanizing Area. The project site is more particularly described as those Portions of Section 25, T14S, R2W and Section 19, 20, 21, 22, 28, 29 and 30 T14S, R1W, SBBM, being Portions of land described in civil Case No. 162. The Montecito Project is a 278-acre site located east of Pomerado Road between Spring Canyon Road and Creek Road in the AR-1-1 zone of the City's Future Urbanizing Area. The project site is more particularly described as a Subdivision of a Portion of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 26 along with a portion of the Southwest Quarter of Section 25, Township 14 South, Range 2 West, San Bernardino Meridian.

FILE LOCATION:

Subitems A, B, C, D, E, F: LAND-Progress Guide and General Plan/Future Urbanizing Area/Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project (09)
Subitems G, H: NONE

COUNCIL ACTION: (Tape location: D085-I053.)

Hearing began at 2:17 p.m. and halted at 6:10 p.m.

Testimony in opposition by Betty Rexford, Bob Emery, Niall Fritz, Jay Goldby, Janet Anderson, Jim Peugh, Andy Kean, George Wu, Carol Funk, Paul Rexford, Kelly Hutchinson, David Davis, Mary Glenn Adams, Tony Aviano, Nathan Tenny, N. Bothwell, Arjun Jain, and Jared Hanson.

Testimony in favor by James Hunter, Jeff Brazel, Bob Ilko, Bob Dingtham, Peggy Shirey, Mike Baksh, Dorothy Leonard, Deborah Vandeberg, Jim Omsberg, Rev. Jim Paulson, Buddy Thomas, Cynthia Davis, Dan Carter, and Jack McGrory.

Mayor Murphy closed the hearing.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS AS STATED IN HIS MEMO, WHICH WAS DISTRIBUTED DURING THE MEETING, AS LISTED BELOW:

- A. APPROVE THE CITY MANAGER'S RECOMMENDATION AS INDICATED IN REPORT NO. 01-167, INCLUDING COMPANION ITEM 337 (APPROVAL OF THE RANCHO ENCANTADA PUBLIC FACILITIES FINANCING PLAN), AND THE ERRATA SHEET, WITH THE FOLLOWING MODIFICATIONS;
- B. GATE BEELER CANYON ROAD FOR EMERGENCY ACCESS ONLY (AS RECOMMENDED BY THE PLANNING COMMISSION);
- C. INCORPORATE THE TERMS OF THE "BIG 5" AGREEMENT BETWEEN MIRAMAR RANCH NORTH PLANNING COMMITTEE, SCRIPPS RANCH PLANNING GROUP, SCRIPPS RANCH CIVIC ASSOCIATION, SCRIPPS RANCH RECREATION COUNCIL, SOS RANCH AND SYCAMORE ESTATES, LLC AND SYCAMORE ESTATES II, LLC (AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES) INTO THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS (THAT'S KNOWN AS THE MISSION TRAILS AGREEMENT) BETWEEN THE CITY OF SAN DIEGO AND SYCAMORE ESTATES, TO THE EXTENT IT IS CONSISTENT WITH STATE AND LOCAL POLICES, PROCEDURES, LAWS AND REGULATIONS;

- D. IMPLEMENT THE GRAVITY SEWER SYSTEM AND DESIGN ACCESS TO THE SEWER SYSTEM AS TRAILS TO MINIMIZE OR PRECLUDE IMPACTS ON THE ENVIRONMENT (AS RECOMMENDED BY THE PLANNING COMMISSION) AND TO BE CONSISTENT WITH THE RECOMMENDATIONS OF THE CITYWIDE CANYON SEWER TASK FORCE AS APPROVED BY THE NATURAL RESOURCES & CULTURE COMMITTEE IN JULY 2001;
- E. MAINTENANCE OF THE ADDITIONAL 6-ACRE PARK, AS DESCRIBED IN THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES SHALL BE THE RESPONSIBILITY OF A MAINTENANCE ASSESSMENT DISTRICT; HOWEVER, PRIOR TO CREATION OF THE ASSESSMENT DISTRICT, THE DEVELOPER SHALL ENTER INTO A LANDSCAPE MAINTENANCE AGREEMENT WITH THE CITY FOR MAINTENANCE OF THIS AREA UNTIL THE ASSESSMENT DISTRICT IS CREATED;
- F. CONSISTENT WITH PARAGRAPH 1B OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS AND PURSUANT TO THE MASTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE MISSION TRAILS REGIONAL PARK FOUNDATION, INC. DATED JULY 30, 1991, AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE MISSION TRAILS REGIONAL PARK FOUNDATION, INC. REGARDING THE APPROPRIATION AND USE OF \$1,760,000 MILLION (80% OF \$2.2 MILLION) FOR MISSION TRAILS REGIONAL PARK. THE AGREEMENT SHALL SPECIFY THAT THE FUNDS WILL BE USED SOLELY FOR THE ACQUISITION, MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK.
 - 1. THE AGREEMENT SHALL FURTHER SPECIFY THAT \$260,000 CAN BE USED IMMEDIATELY FOR THE ACQUISITION, MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK; AND
 - 2. SHALL FURTHER SPECIFY THAT \$1,500,000 SHALL BE MAINTAINED IN AN INTEREST BEARING ENDOWMENT FUND SOLELY FOR THE ACQUISITION, MANAGEMENT,

MAINTENANCE AND CAPITAL IMPROVEMENTS WITHIN MISSION TRAILS REGIONAL PARK AND THAT NO MORE THAN 5% OF THE PRINCIPAL AND INTEREST BALANCE OF THE FUND PER FISCAL YEAR UNLESS AUTHORITY IS OTHERWISE GRANTED BY THE CITY COUNCIL;

- G. CONSISTENT WITH PARAGRAPH 1B OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, EXPANSION OF MISSION TRAILS PARK AND SATISFACTION OF DEVELOPMENT AGREEMENT REQUIREMENTS, \$440,000 (20% OF \$2,200,000 MILLION) SHALL BE DEPOSITED INTO AN INTEREST BEARING FUND SOLELY FOR PUBLIC IMPROVEMENT PROJECTS IN THE KEARNY MESA COMMUNITY.

1. AUTHORIZE THE CITY AUDITOR TO CREATE AN INTEREST BEARING FUND FOR THE PUBLIC IMPROVEMENT PROJECTS IN THE KEARNY MESA COMMUNITY.

- H. AUTHORIZE THE CITY AUDITOR TO CREATE INTEREST BEARING FUNDS FOR THOSE MONIES WHICH ARE THE SUBJECT OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES TO BE PAID BY DEVELOPER (WHICH IS REFERENCED AS EXHIBIT H OF THE AGREEMENT REGARDING SUBSTITUTION OF EXTRAORDINARY BENEFITS, AND THOSE ITEMS ARE AS FOLLOWS:

1. SCRIPPS RANCH COMMUNITY FUND (BULLET 1 OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES);
2. RANCHO ENCANTADA SIX ACRE PARK FUND (BULLET 2 OF THE AGREEMENT);
3. SCRIPPS RANCH LIBRARY FUND (BULLET 3 OF THE AGREEMENT);
4. SCRIPPS RANCH WALKWAY FUND (BULLET 4 OF THE AGREEMENT);
5. SPRING CANYON ROAD TRANSPORTATION IMPROVEMENTS FUND (BULLET 5 OF THE AGREEMENT);

6. SCRIPPS RANCH/MIRAMAR RANCH NORTH IMPROVEMENT FUND (BULLET 8 OF THE AGREEMENT BETWEEN COMMUNITY GROUPS AND SYCAMORE ESTATES).

ACCEPT MAYOR MURPHY'S REQUEST THAT THE DECISION REGARDING THE FIREBREAK POLICY ON THE PROJECT BE DEFERRED UNTIL THIS FALL AND BE SENT TO THE RULES COMMITTEE, SINCE IT IS WITHIN THE JURISDICTIONS OF BOTH NATURAL RESOURCES AND LAND USE AND HOUSING. THAT NO DECISION BE MADE AT THE PRESENT TIME, AND THAT THE FOLLOWING ISSUES BE REVISITED: TRAILS, FIREBREAKS, WATER-QUALITY PROBLEMS CAUSED BY RUNOFF ON BLADED TRAILS, NATIVE SPECIES, OFF-ROAD ACTIVITY, AND COSTS.

ACCEPT COUNCIL MEMBER MADAFFER'S REQUEST THAT A MORE DETAILED REPORT BE PROVIDED ON WHICH FIREBREAKS SHOULD BE RETAINED AND WHICH ONES SHOULD BE REMOVED.

ACCEPT COUNCIL MEMBER MADAFFER'S REQUEST THAT A BETTER ASSURANCE BE PROVIDED THAT THE CITY'S CONTRIBUTION OF \$3 MILLION TO CALTRANS FOR THIS PROJECT IS ACTUALLY GOING TO LEVERAGE STATE APPROPRIATION FUNDS, AND DIRECT STAFF TO WORK WITH THE STATE TO ENSURE THIS PROJECT RECEIVES TOP PRIORITY. REQUEST THAT A STATUS REPORT REGARDING THESE FUNDS BE PROVIDED TO COUNCIL OR LU&H WITHIN SIX MONTHS. THE RULES COMMITTEE IS DIRECTED TO GET IN TOUCH WITH IRD FOR ANY POSSIBLE ACTION, SO THAT THIS PROJECT GETS ROLLING.

ACCEPT COUNCIL MEMBER ATKINS' REQUEST THAT THE ISSUE OF TRANSPORTATION TRAFFIC BE CONSIDERED BY THE SMART GROWTH IMPLEMENTATION GROUP. TO OBTAIN FROM MTDB WHERE THE CLOSEST SERVICE IS, WHERE THE CLOSEST BUS LINES ARE, WHAT THE SERVICE NUMBERS ARE, AND WHAT THE NUMBER OF RIDERS IS. PROVIDE AN ANALYSIS OF HOW MUCH IT WOULD COST TO CONSTRUCT THIS ROUTE OR TO EXTEND A ROUTE INTO A NEIGHBORHOOD NOT HAVING AN EXISTING SERVICE, AND INTRODUCE THE ORDINANCES IN SUBITEMS G AND H. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-339: Three actions related to the Acceptance of Redevelopment Agency Owned Property, Approval of Parcel Map W.O. No. 117665, and Certain Related Actions Concerning the Ballpark and Redevelopment Project.

(See City Manager Report CMR-01-058. Centre City East Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-197) ADOPTED AS RESOLUTION R-295394

Authorizing the acceptance from the Redevelopment Agency of the City of San Diego of certain real property in accordance with the Ballpark Cooperation Agreement and other related actions.

Subitem-B: (R-2002-240) ADOPTED AS RESOLUTION R-295395

Approving Parcel Map W.O. No. 117665.

Subitem-C: (R-2002-248) ADOPTED AS RESOLUTION R-295396

Declaring that the City Council has reviewed and considered the information contained in the Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project and the Subsequent Environmental Impact Report to MEIR for the proposed ballpark and ancillary development projects, and associated plan amendments.

NOTE: See the Redevelopment Agency Agenda of August 7, 2001 for a companion item.

FILE LOCATION: Subitems A,B,C: MEET (64)

COUNCIL ACTION: (Tape location: B523-540; C554-C010.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-340: Authorize the Expenditure of \$25,000 in North Bay Redevelopment Project Tax Allocation Bond Proceeds for the Midway Banners and Authorize the Entry into an Agreement with the North Bay Association regarding such Banners.

(See City Manager Report CMR-01-173. Midway/Pacific Highway, North Bay Redevelopment Project Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-274) ADOPTED AS RESOLUTION R-295397

Making certain findings with respect to the purchase and installation of the Midway Banners for the North Bay Redevelopment Project Area by the Redevelopment Agency of the City of San Diego.

NOTE: See the Redevelopment Agency Agenda of 8/7/2001 for a companion item.

FILE LOCATION: MEET (66)

COUNCIL ACTION: (Tape location: B541-553; C011-028.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-nay, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Pond 20 and City of Imperial Beach Redevelopment Plan Amendment No. 1 to the Palm Avenue/Commercial Redevelopment Project Area.

(Otay-Nestor Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/17/2001. (Council voted 8-0. Councilmember Inzunza not present.):

(O-2002-7) ADOPTED AS ORDINANCE O-18971 (NEW SERIES)

Transferring Redevelopment authority in approximately 68 acres of property in the City of San Diego, including a portion of Pond 20, to the Imperial Beach Redevelopment Agency;

Incorporating Amendment No. 1 to the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, including the maps and other reports that are incorporated into the Amended Plan by reference;

Approving the Amended Plan as the Redevelopment Plan for the Amendment Area;

Authorizing the City of Imperial Beach to undertake the redevelopment of San Diego's portions of the Amendment Area, as shown in Exhibit A, in all respects as if the Amendment Area was within the territory of the City of Imperial Beach;

Recognizing that the City Council of the City of Imperial Beach and the Imperial Beach Redevelopment Agency shall have all the rights, powers and privileges with respect to San Diego's portions of the Amendment Area, as if the Amendment Area were within the territory of the City of Imperial Beach;

Declaring that because the City of San Diego is an affected taxing entity as defined in Health and Safety Code Section 33353.2, the Imperial Beach Redevelopment Agency shall pay to the City of San Diego such payments from tax increments actually received from the Amendment Area as described in Health and Safety Code Section 33607.5;

Directing the City Clerk to send a certified copy of this Ordinance to the City Clerk of the City of Imperial Beach.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A383-421; B167-299.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Appointments to the Newly Created City of San Diego Ethics Commission.

(See memorandum from Mayor Murphy dated 8/1/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-285) ADOPTED AS RESOLUTION R-295398

Council confirmation of the following appointments by the Mayor to serve as members of the newly created San Diego Ethics Commission for terms ending as indicated:

<u>NOMINEE</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Lisa Foster	Democrat (Attorney)	June 30, 2003
Charles G. La Bella	Declined to State (Attorney)	June 30, 2003
Gregory A. Vega	Democrat (Attorney)	June 30, 2005
Dorothy L. W. Smith	Democrat (Former Elected Official)	June 30, 2005
Dorothy J. Leonard	Republican	June 30, 2005
Albert J. Gaynor	Republican	June 30, 2003
April R. Riel	Republican	June 30, 2005

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A017-382.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:10 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I053.)